

3579. Adulteration and misbranding of so-called grape jelly. U. S. v. 50 Cases * * * Grape Jelly. Consent decree of condemnation and forfeiture. Product released on bond.
(F. & D. No. 5622. I. S. No. 3387-h. S. No. E-5.)

On March 11, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 2 dozen glasses of a product purporting to be grape jelly, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about December 27, 1913, by the Colonial Conserve Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding, in violation of the Food and Drugs Act. The cases were labeled: "Invincible Brand Pure Jelly—Herman Kussey Company, Newark, N. J., Grape." The glasses were labeled: "Invincible Brand Pure Jelly—Grape—8 oz. Net. Pure cane sugar and fruit juice. Distributed by Herman Kussey Co, Newark, N. J."

It was alleged in the libel that the product purported to be pure grape jelly, whereas, in truth and in fact, it was not pure grape jelly, and was adulterated within the meaning of the act aforesaid, in that a substance, to wit, an apple product, had been mixed and packed with the so-called grape jelly, so as to reduce and lower and injuriously affect the quality and strength thereof, and, further, in that a substance, to wit, an apple product, had been substituted wholly or in part for pure grape jelly, and, further, in that the product had been mixed in a manner whereby damage and inferiority were concealed. It was further alleged in the libel that the product was labeled as aforesaid, whereas, in truth and in fact, said product was not pure grape jelly and was therefore misbranded within the meaning of this act, in that it contained an apple product and was therefore not pure grape jelly, and was an imitation of pure grape jelly and was offered for sale under the distinctive name of an article other than that of what it really was, and, further, said product was labeled or branded so as to deceive and mislead the purchaser.

On June 10, 1914, Robert J. Purdy, trading as the Colonial Conserve Co., Philadelphia, Pa., having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released and delivered to said claimant, he having filed bond in the sum of \$250, in conformity with section 10 of the act, and having paid the costs of the proceeding.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *February 17, 1915.*